

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case No. 1:19-cr-76
v.)	
)	Judge Travis R. McDonough
DEREK PEEK)	
)	Magistrate Judge Christopher H. Steger
)	

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation (Doc. 290) recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts Four (lesser included offense) and Five of the nine count Second Superseding Indictment; (2) accept Defendant's guilty plea to Counts Four (lesser included offense) and Five of the nine count Second Superseding Indictment; (3) adjudicate Defendant guilty of possession with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), and adjudicate Defendant guilty of possession of a firearm in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States in violation of 18 U.S.C. § 924(c)(1)(A)(i); and (4) order that Defendant remain in custody pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 290) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Counts Four (lesser included offense) and Five of the nine count Second Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to Counts Four (lesser included offense) and Five of the nine count Second Superseding Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of possession with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C);
4. Defendant is hereby **ADJUDGED** guilty of possession of a firearm in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States in violation of 18 U.S.C. § 924(c)(1)(A)(i); and
5. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place before the undersigned on **September 10, 2021, at 9:00 a.m.**

SO ORDERED.

/s/ *Travis R. McDonough*

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE